

IN THE SUPREME COURT OF THE STATE OF NEVADA

TITO SANABRIA-AGUILAR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35558

FILED

JUL 10 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of aggravated stalking. The district court sentenced appellant to 24 to 120 months in prison.

Appellant's sole contention is that the district court abused its discretion by refusing to grant probation. We conclude that appellant's contention is without merit.


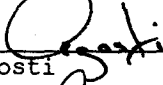
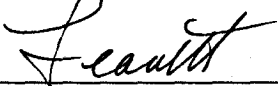
This court has consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Moreover, "a sentence within the statutory limits is not cruel and unusual punishment where the statute itself is constitutional." Griego v. State, 111 Nev. 444, 447, 893 P.2d 995, 997-98 (1995) (citing Lloyd v. State, 94 Nev. 167, 170, 576 P.2d 740, 742 (1978)).

In the instant case, appellant does not allege that the district court relied on impalpable or highly suspect

evidence or that the relevant statute is unconstitutional. Further, we note that the sentence imposed is within the parameters provided by the relevant statute. See NRS 200.575(3)(a) (providing for sentence of 2 to 15 years). Moreover, the granting of probation is discretionary. See NRS 176A.100(1)(c).

Having considered appellant's contention and concluded that it is without merit, we

ORDER this appeal dismissed.¹

 _____ Young	J.
 _____ Agosti	J.
 _____ Leavitt	J.

cc: Hon. Connie J. Steinheimer, District Judge
Attorney General
Washoe County District Attorney
Gamboa Sandoval & Stovall
Washoe County Clerk

¹We note that the fast track statement filed by counsel for appellant does not contain cites to an appendix or transcript in support of factual assertions in the fast track statement. See NRAP 3C(3)(2); NRAP 28. We caution counsel that failure to comply with the Nevada Rules of Appellate Procedure may subject counsel to sanctions. See NRAP 3C(n).